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SUBJECT: CHARGE'S MEETING WITH UN SPECIAL RAPPORTEUR SCHEININ

Classified By: CHARGE D'AFFAIRES AMY HYATT FOR REASON 1.4 (B) and (D)

1. (C) Summary: The Charge spoke with UN Special Rapporteur for Human Rights Scheinin in Turku on Nov. 10. Scheinin said he planned to be proactive in investigating human rights abuses committed in the name of combating terrorism. He plans to go beyond reporting and to engage governments and offer alternative best practices in cases where abusive or illegal procedures are identified. Lack of logistical support from the UN has hampered his ability to begin investigations. Scheinin has selected 10 countries (including the United States and UK) in which he plans to explore alleged human rights abuses and seek best practices. A trip to the UK next month may serve as a preliminary to an official visit looking into allegations of extrajudicial renditions. Scheinin has also requested to visit U.S. facilities in Guantanamo. End Summary.

Advocacy vice Research

2. (C) Charge Hyatt met with Martin Scheinin-- UN Special Rapporteur for the Promotion and Protection of Human Rights While Countering Terrorism-- on November 10 in Turku. Scheinin is the Director of the Abo Academy's Institute for Human Rights (note: "Abo" is the Swedish name for Turku, and the Abo Academy is Finland's largest and oldest Swedish-speaking tertiary institution). Scheinin, who was appointed to the newly-created Rapporteur position in July, told the Charge that his work would be complementary to that of other UN officials like the Special Rapporteurs for torture, rape, legal and judicial affairs, etc. These rapporteurs were already looking into various allegations that illegal or unethical measures have been employed in certain cases in the war on terrorism. He did not intend to "reinvent the wheel" or duplicate their efforts. Rather, he hoped to use his new role to complement the work of others and fill gaps not otherwise covered. Scheinin said that in some ways, his UN mandate came too late. Questionable practices that arose in the immediate aftermath of 9/11 have had too much time to become established procedures. Scheinin's focus will be to highlight such practices and work with governments to correct them.

3. (C) Scheinin said that he plans to be proactive vice reactive in his work as special rapporteur. Too many rapporteurs and investigators collect reams of information and anecdotal evidence, and simply forward this to the UN and relevant member states, perhaps with some basic analysis or editorial comment. This provides good grist for human rights NGOs, but isn't necessarily the best way to affect change. Scheinin wants to engage governments and take substantive action where legal and human rights abuses are identified in the ongoing fight against terrorism. He also said that shedding light on questionable practices isn't enough; best practices should also be identified, recognized, and promoted as prescriptive remedies to problems. Scheinin's UN mandate includes coordination with the Counter-terrorism Committee of the Security Council, and he hopes to act as a liaison between the Security Council and Human Rights Committee and, in his words, "bridge the gap between what the one hand is telling the other."

The Road Ahead

4. (C) The Charge asked Scheinin what his strategy was for implementing his three-year UN mandate. Scheinin replied that he will focus on three themes: freedom of assembly and association; implications of counter-terrorism measures on economic, cultural, and social rights; and the special problem of suicide attacks and the West's inability to understand such tactics and deal with them effectively in a manner consistent with core human rights values. Scheinin told the Charge that his ability to get started was hampered by poor support from the UN. The UN has been slow to facilitate the hiring of a research assistant although the necessary funding has been set aside; therefore, Scheinin is currently working alone. He can draw on some support from faculty and students at the Abo Academy, but hopes to have a full-time doctoral student to assist him as well as a board of external advisors from other human rights and peace

institutes around the world. Scheinin said that if UN support remains problematic, the Nordic countries might provide assistance through their own (non-UN) channels.

Investigations and the United States

15. (C) The Charge then asked Scheinin to describe the specific cases or investigations on which he was already focusing. Scheinin said that he has selected ten countries from different regions. Every part of the world is represented except for Latin America, where he was still considering a good candidate (Colombia having been ruled out). He declined to reveal the specific countries already selected, although he hinted that Tunisia and Algeria-- countries about which he had commented publicly in recent weeks -- were on the list. Scheinin said that he has notified all ten countries of his interest in investigating various aspects of their counter-terrorism regimes; so far he has received a written response from only one, and that one was a quick, negative reply.

16. (C) Scheinin then noted his interest in extraordinary renditions associated with U.S. and UK counter-terrorism efforts. He said that his interest in the UK's role in such renditions was well-known, and that he would continue to look into such practices. Scheinin travels to the UK next month for an Amnesty International conference; he said that the trip could become a "preliminary" visit for a full-fledged official visit to the UK in his capacity as Special Rapporteur at a later date. Scheinin said that he was "also interested in (renditions and) the United States."

17. (C) Scheinin told the Charge that he hopes to visit Guantanamo. Three UN rapporteurs have been authorized to visit Guantanamo, but on condition that they not speak with detainees. Scheinin said that this condition was still being negotiated. As the newest UN rapporteur, he did not want to impede the efforts of his colleagues at gaining access to Guantanamo, but was willing to "wait his turn," which he was confident would indeed materialize. He has submitted a request through UN channels, but has not yet received a reply.

French Assimilation Problems

18. (C) Finally, Scheinin and the Charge discussed the riots in France. Scheinin opined that there was a lack of space for religiosity in French society. This was tolerated by France's secular Christian community but more frustrating for Muslims. He questioned whether the French "Republican" model of integration was workable. The Charge noted that in the U.S., the melting pot theory of assimilation had given way to the "salad bowl" model where cultural differences were accepted and even promoted to some degree. Scheinin said that the UK provided the best European example of a multicultural approach to integration, although he still questioned its efficacy in assimilating a large Muslim population.

19. (C) Comment: Scheinin seemed the consummate professional-- engaging, articulate, and obviously sincere in his convictions. Although his remarks as reported in the British and Finnish press often seem to have a slightly confrontational tone (re investigation of extrajudicial rendition, etc.), his demeanor was measured throughout our conversation. Scheinin did make oblique reference, however, to allegations that the U.S. has secret prison facilities in Eastern Europe. He recognized that we were in no position to comment on the issue and clearly made an effort to avoid putting the Charge in an awkward situation. But professional demeanor notwithstanding, Scheinin is an energetic and experienced investigator and researcher who believes uncovering alleged human rights abuses is important, and who can be expected to pursue such allegations with some tenacity. End Comment.

HYATT